

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

KENNETH EARL SMITH, JR.,

Petitioner,

v.

WARDEN SWANEY,

Respondent.

2:24-cv-113

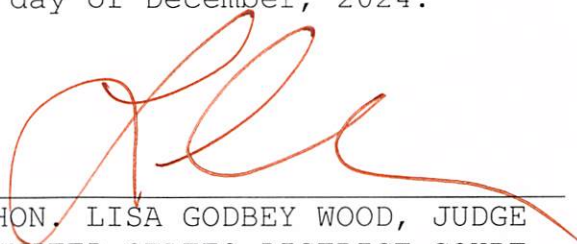
ORDER

The Magistrate Judge issued a Report and Recommendation for the Court to dismiss Petitioner Kenneth Smith's ("Smith") 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus based on his failure to follow this Court's directive. Dkt. No. 3. Smith did not file Objections to this Report and Recommendation, and the time to do so has elapsed. In fact, this Court's mailing was returned as undeliverable, with the notations: "Return to Sender" and "Return to Sender, Refused, Unable to Forward." Dkt. No. 4 at 1.

Thus, upon review, I find no clear error in the Magistrate Judge's Report and Recommendation and **ADOPT** the Report and Recommendation as the opinion of the Court. See Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (If no specific objections are made or no objections are made at all, "the appropriate standard of review for the report and recommendation is clear error."). I **DISMISS without prejudice** Smith's 28 U.S.C.

§ 2241 Petition for Writ of Habeas Corpus based on his failure to follow the Court's directive, **DIRECT** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENY** Smith *in forma pauperis* status on appeal.

SO ORDERED, this 9 day of December, 2024.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA